

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

Case No. _____

(to be filled in by the Clerk's Office)

Andy Ortiz

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Blatliche Carney in her
Official capacity as Commissioner
of Philadelphia Dept. of Prison
City of Philadelphia

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

The Clerk will not file a civil complaint unless the person seeking relief pays the entire filing fee (currently \$350) and an administrative fee (currently \$50) in advance, or the person applies for and is granted in forma pauperis status pursuant to 28 U.S.C. § 1915. A prisoner who seeks to proceed in forma pauperis must submit to the Clerk (1) a completed affidavit of poverty and (2) a copy of the trust fund account statement for the prisoner for the six month period immediately preceding the filing of the complaint, obtained from and certified as correct by the appropriate official of each prison at which the prisoner is or was confined for the preceding six months. See 28 U.S.C. § 1915(a)(2).

If the Judge enters an order granting a prisoner's application to proceed in forma pauperis, then the order will assess the filing fee (currently \$350) against the prisoner and collect the fee by directing the agency having custody of the prisoner to deduct an initial partial filing fee equal to 20% of the greater of the average monthly deposits to the prison account or the average monthly balance in the prison account for the six-month period immediately preceding the filing of the complaint, as well as monthly installment payments equal to 20% of the preceding month's income credited to the account for each month that the balance of the account exceeds \$10.00, until the entire filing fee has been paid. See 28 U.S.C. § 1915(b). A prisoner who is granted leave to proceed in forma pauperis is obligated to pay the entire filing fee regardless of the outcome of the proceeding, and is not entitled to the return of any payments made toward the fee.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Andy Ortiz

All other names by which
you have been known:

Andy Emmanuel OrtizWYO. Snoop P. Official

ID Number

PP# 1212917

Current Institution

Curran-Fromhold-Correctional-Facility

Address

7901 State RoadPhiladelphiaPA19136

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

C/O S. BlackSheerJob or Title (*if known*)Correctional Officer

Shield Number

Employer

Philadelphia Dept. of Prison

Address

7901 State RoadPhiladelphiaPA19136

City

State

Zip Code



Individual capacity



Official capacity

Defendant No. 2

Name

C/O A. JonesJob or Title (*if known*)Correctional officer

Shield Number

Employer

Philadelphia Dept. of Prison

Address

7901 State RoadPhiladelphiaPA19136

City

State

Zip Code



Individual capacity



Official capacity

Defendant No. 3

Name

Deputy Warden : E. Cruz

Job or Title (if known)

Deputy Warden

Shield Number

Employer

Philadelphia Dept. of Prison

Address

7901 State Road

Philadelphia

PA

19136

City

State

Zip Code



Individual capacity



Official capacity

Defendant No. 4

Name

Blanche Carney in her official capacity as Commissioner of Prison City of Philadelphia

Job or Title (if known)

Commissioner of Prison's

Shield Number

Employer

Philadelphia Dept. of Prison

Address

7901 State Road

Philadelphia

PA

19136

City

State

Zip Code



Individual capacity



Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):



Federal officials (a *Bivens* claim)



State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Failure to keep me safe. Having another inmate to fight me, while on protective custody.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

C/O S. Black Sheer. Popped my cell to have inmates fight me, C/O A. Jones told my info and was the one told them inmates to fight me also.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
☒ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

It arose while I was on protective custody after my official visit with P-I-L-P I was then targeted.

C. What date and approximate time did the events giving rise to your claim(s) occur?

First incident was Oct. 6 or Nov. 6 of 2020 at around 4:15 & 4:30 pm and after that letting inmate in my cell to fight me. Second Incident was on Feb. 22 2021 to Feb. 23 2021 on Feb. 22 Time was like around 10:45 Feb. 23 2021 Time was around 4:15 to 4:25 pm and after. Getting punched in the yard.

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

C/O S. Blacksheer popped my door to let two individual come in my cell to fight me which they did not belong. C/O A. Jones told my charges and other information about me also information that I reported in my official visit. C/O A. Jones & C/O S. Blacksheer told two other individual inmate to punch me in the yard. Everything was report to P-I-P.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

No, injuries in the first incident that was reported first. They refuse for me to see medical. Yes, injuries for second incident was a punch in the face in the yard where I was assaulted I spoke with medical that time and with mental health social workers and the suicide hotline.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Requesting 5 million U.S. DOLLAR'S TO THE EASTERN DISTRICT COURT S. Cause I was on protective custody the jail failed to keep me safe and protected. I was punched in the face by inmate and had to do punitive time for it.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Curran - Fromhold - Correctional - Facility

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

I File the grievance on Dunit on D1-Pod 4 where the incident happen at. It was File in the Jail called Curran - Fromhold - Correctional - Facility

2. What did you claim in your grievance?

I Claim that I was Being target on Cause I made a report to the (PIEP) Pennsylvania Institutional law project, saying two Individual Correctional officers where allowing inmate to have sexual relationships in the cell. That after my official visit with the PIEP I was targeted by them correctional officers and inmate That I have reported to them.

3. What was the result, if any?

There where not really no results made in my favor. I was just moved of the unit. Cause, I wrote an additional Complaint toward Deputy Warden: Cruz Then got his attention them was removed of the unit.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Cause, they took Care of the additional Complaint that I made toward - Deputy Warden: ~~Cruz~~ Cruz I want Justice For them not doing they Job Correction Be punish in some type of way.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I was targeted by them two officer's and Inmate's and two other inmate's in the other complaint more than once. Cause I had made a report on them about them doing wrong thing while they was at work.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

4-3-21

Signature of Plaintiff



Printed Name of Plaintiff

Andy Ortiz

Prison Identification #

1212917

Prison Address

7901 State RoadPhiladelphia

City

PA

State

19136

Zip Code

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

Andy Ortiz
#1212917

to: Internal Affairs I got some civil ~~complaint~~ complaints. That I will like to report to you. I try to reach out to you on the cell phone but the jail don't got your number for a toll free call. So, that's why I am contacting you right now by mail. I will like to talk to some one about these legal and civil complaints and to take these to the Eastern District courts. I claimed on the grievance 5 million U.S. dollars to the Eastern District courts.

I'm ~~here~~ ~~to~~ to report Correctional Officer misconduct!!

I was punched and choked by two different officers over at the Philadelphia Industrial Correctional Center referred AS P.I.C.C. was the location of the incident.

Also same location of incident where, I was stabbed in the head couple of times by an inmate and the prison failed to keep me safe. I was then sent out to the hospital cause, of my conditions. The jail have hospital reports I wrote grievance for all of these matters not one was responded to since, then.

I transferred too C.E.C. Curran from hold Correctional Facility I am on protective custody on DI pod-4. A. Jones and S. Blackshear are correctional officers that had two other

Andy Ortiz #1212917

inmate on that unit to fight me he popped my cell and let them two inmates to try and fight me I hopped out my cell with my shirt off. Cause, I felt I was in danger the reason was cause, I reported them to the P-I-L-P law project's for the PDP law suit. I told them that they had retaliated on me on this incident. I ALSO was punched by an inmate in the yard ~~case~~ cause, I reported an inmate getting assaulted by them officer's on the unit ~~to~~ co/s. Blacksheer and C/O A. Jones when I reported that incident C/O S. Blacksheer and Cpl A. Jones retaliated and told inmate in 1A-cell that I had told on them. so the next day inmate punch me in the yard I reported all this to the P-I-L-P law project's about these incidents.

I want justice and something needs to happen. Cause, I'm not going to get abuse and neglected in this jail and they say they gonna keep me safe I ~~feel~~ feel unsafe cause, I fill that I am being targeted cause, I want to MAKE a civil Complaint to the U.S. Eastern District Courts.

Respectfully Submitted: *Amel Garcia*

It started on February 24 - 2020
During med line on the 3rd shift.
I was incarcerated at Philadelphia -
Industrial Correctional Center. When the
incident had taking place. I was on K
unit (Mental Health Block) I was place
there cause, I got mental Health issue's.
When, I was in med line on 3rd shift.
C/O Bailey & C/O Tita where the two
officer's assigned on that shift and time.
I had my radio in my ear with the -
sound on high level to tone people out to
get me out of trouble. was waiting to
get my med's. when, I got them I -
was also, giving tom's. For my tummy it
was Kop's meds that I was allow to
take with me. when, Correctional officer
Barnett told me to take him told him
it was Kop's then walked away. my
head phone was in my ear the whole
time. while I was walking towards
the unit officer Barnett turn me around
violently and wrapped two/Both his -
hand around my neck and start to -
squeeze and choke me while shaking
me violently telling me, you listen to me
when, I tell you an order. mental Health
Social worker Carlita Owen witness she

Saw it. And other mental Health Social workers. Then, C/O Barnett push me to the ground violently. I was then surround by - a couple correctional officer's. When Sgt. White & LT. Horsey came out they office to hand cuff me. Took picture's of my-neck. Then had a C.E.R.T officer to - take me to medical. The nurse reported to officer I had light scratches & my neck was red. Nurse told officer should she write it down he said, no it's not that bad. I was then sent to mental Health told her what officer's did to me & told her I feel suicidal / Kill my self then was sent to the receiving room. By the C.E.R.T-officer I arrived in the receiving was shackled on my arm & leg's and was locked in a single cell waiting to see the doctor. Correctional officer: Patel was in that area assigned to the receiving-room. Correctional officer Barnett came into the receiving room called me a "Bitch" I told him I was gonna sue him and take him to court. He told C/O Patel to open my cell with the key, He opened it C/O Barnett told me to say, it in his face I did he then push me violently deep into the cell ask me to spit at him,

I said, why would I do that he said, you will see it you was to do it he was gonna slap the shit out of me.

Then try to pull me out the cell violently I did not let him. Told him I want a Sgt or LT or Supervisor to escort me. He told Patel to lock me Back in cause he wasn't gonna deal with me then left.

There was an inmate in the next cell right beside my cell saw every thing. Saw the doctor told her what officers had did to me. Told the doctor I want to speak with a Supervisor. She try to call for them But, they did not answer.

Then, she left I locked back into the cell. Then Correctional officer, Amazon put his gloves on and had ^{C/O} Patel open my cell. C/O Amazon told me to come with him I said, no I want a supervisor.

He then said, "I'm going to ask you nicely."

THEN, ASK, "you want the Easy way or the hard way?" I ~~to~~ told him I want

his Supervisor then he yanked me out the cell violently and then he started

punching me on the side of my face with his fist to have me move I didn't

He still started to punch me on the side of my face. C/O Patel was just

watching him punch me on the side of the face in the receiving room. Then I was outside the receiving room, he punch me again told me to start walking. I start to curs/say bad words to him saying "He a bitch for punching me with the hand cuffs and shackle's on me. He then started to slamming me into door while using excessive force. He slam me in to door a couple time I don't know how many if I was to guess like five six times. Then, he did it in front of Sgt. White told him he was not allow to do that. But he still did it then Sgt. White said, "I got him" then C/O Amazon said, "Camera's don't work how you gonna court on me!" I told him - "watch me Bitch". Then the Sgt. White told me what told him I got punch By C/O Amazon and C/O Barnett choked me and push me around the cell in the receiving room, All he did was ignored me like I didn't say nothing then say he was not trying to do Extra paper work. Then I told him my face hurt and it feels like it's Swellon and nose was Bleeding a little,

yes
over

He sent me to RHW / the hole for punitive segregation, put me in the cell and told me "He get off work he does not have time to do any more paper then left.

Told officers I want to kill my self they said, NO I don't I am going to just tell, I said yes I am this is wrong, I want justice I tired of getting abuse my correction officer.

I told the captain about what happen He took the letter I gave him then said, He was going to have major martin do a investigation. I spoke with major martin But not one on one and all she was telling me she was investigating it. I wrote grivance form left and right I got the copies sent to my house But can get them Back IF needed.

while on the RHW I in 6 cell then was sent to 14 cell, Then I was doing legal work in the cell on the 11 to 7 shift on march 4-2020. when, my cellie ask what I was locked up for did not tell him, He then grab my paper work then said, you here for rapeing a lil girl told him no Im not you don't know what happen.

He pulled out a knife and he started to stab me in my head and nose. I was then sent to the hospital. Cause of my condition, I was of need of stitches and a cat scan. Sgt. Gill took pictures of my wound. I had. Then sent me to J unit, ~~Gabriel~~ Gabriel Correa #121835

I notified to the P-I-LP about me being retaliated again me calling the hot line that C/O A. Jones and C/O Blacksheer allow inmate to go to each other cells to have sexual relationships. I had an official visit with Jeremy told him what happen then I get retaliated when I come back on the unit by the officer I reported and inmates. Ponte Parker and Eric McDall had C/O Blacksheer pop my cell so they came in to try and fight me I slide out the cell with my shirt off cause they came into the cell.

Witness inmate getting assaulted told Sgt. I witness C/O told 19 cell punch on me.

Andy Ortiz / pp#1212917 / D1-4
Curran - From Hold - Correctional - Facility
Philadelphia Dept. of Prison
7901 State RD
Philadelphia, PA 19136



Philadelphia P&DC 191 ZIP

WED 07 JUL 2021 PM

United States District Court
Eastern District of Pennsylvania
U.S. Court House
Independence Mall West
601 Market Street
Philadelphia, PA. 19106-1797

U.S.M.S.
X-RAY